

Application No.: 10/777,264

Docket No.: JCLA11985

REMARKS**Present Status of the Application**

Upon entry of the amendments in this response, claims 1-9 are pending of which the claims 1, 3, 5, 9 and 10 have been amended without prejudice or disclaimer in order to more explicitly describe the claimed invention. It is believed that no new matter adds by way of amendments made to the claims. For at least the foregoing reason, applicants respectfully submit that claims 1-9 patently define over prior art of record and reconsideration of this application is respectfully requested.

Discussion for objection to claims due to their informalities*1. Claims 3, 9 and 10 are objected because of their informalities.*

In response thereto, applicant appreciates the examiner's pointing out the informalities of the claims 3, 9 and 10. Accordingly, the claims 3, 9 and 10 are so amended to eliminate their informalities in accordance with the Examiner's instruction.

Discussion for rejection to claims under 35 U.S.C. 102(b)*2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Millay (US Pat. No. 5,271,409)*

In response thereto, applicant respectfully traverses the preceding rejection based the following arguments. First of all, to more clarify the subject matter of the claim 1, it is so amended to recite a distinct feature of "the direction of the ring is not perpendicular to an outstretch direction of the strap unit so as to define the strap unit with its upper side wider than its lower side". To establish a prima facie case of anticipation, the cited reference (i.e. Millay)

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should teach all limitation of the amended claim 1. However, from Fig.2 and col.2, line 66-col.3, line 23, in Millay, there discloses a blood pressure cuff assembly 10 includes an elongated band 22 with one fixed end 22 attached to one end of a cinch ring 20 and another free end 26 passing through the cinch ring 20 tending to gather toward the other end thereof. Hence, Millay fails to disclose "the direction of the ring is not perpendicular to an outstretch direction of the strap unit so as to define the strap unit with its upper side wider than its lower side," as claimed in the amended claim 1. That is, the blood pressure cuff assembly 10 as disclosed in Millay is not identical to the strap unit as claimed in the amended claim 1.

Accordingly, Millay fails to teach, suggest or disclose "the direction of the ring is not perpendicular to an outstretch direction of the strap unit so as to define the strap unit with its upper side wider than its lower side," as claimed in the amended claim 1. Thus, the amended claim 1 is not anticipated by Millay and thus patentable.

Regarding dependent claims 2 and 3, they should be patentable as a matter of law for at the reason that they contain all limitations of their patentable base claim 1.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Millay in view of Hatschek (US Pat.No. 4,429,699).

In response thereto, applicant respectfully traverses the preceding rejections based the following arguments. As the claim 4 depends on the amended claim 1, the claim 4 should be patentable as a matter of law because it contains all limitations of its patentable base claim 1.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Millay in view of Hatschek (US Pat.No. 4,429,699).

In response thereto, applicant respectfully traverses the preceding rejections

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based the following arguments. To establish a prima facie case of obviousness, the first of three basic criteria is there must provide desirability (or motive) in either cited prior art references (i.e. Millay and Hatschek) and in their combination to modify these references to arrive at the claim 5. However, in Fig.2, in Millay, the direction of the cinch ring 20 is not perpendicular to an outstretch direction of the band 22, whereas, from Fig.3, in Hatschek, the direction of the ring 93 is perpendicular to an outstretch direction of the band 91. Thus, a combining way of the ring and the band disclosed in Millay contradicts that disclosed in Hatschek, which fails to enable people skilled in the art to understand how to combine the ring and the band (emphasis added). In other words, the cited prior art references (i.e. Millay and Hatschek) and their combination fail to suggest or provide desirability (or motive) to modify these references to arrive at the claim 5. Namely, the cited prior art references (i.e. Millay and Hatschek) fail to meet the first criterion for establishing a prima facie case of obviousness.

Even if Millay and Hatschek could be combined, such a proposal combination still fails to teach, suggest or disclose "the direction of the ring is not perpendicular to an outstretch direction of the strap unit so as to define the strap unit with its upper side wider than its lower side," as claimed in the amended claim 5. Accordingly, the claim 5 can not be rendered obvious by Millay and Hatschek, and thus patentable.

Regarding dependent claims 6-9, they should be patentable as a matter of law for at the reason that they contain all limitations of their patentable base claim 5.

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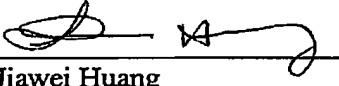
CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1-9 of the present application patently define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Date: 6/6/2006

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